



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,200	04/21/2004	Cheng-Yuan Wu	VIAP0098USA	3199

27765 7590 05/20/2008
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
----------	--------------

2142

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com.tw

Office Action Summary	Application No. 10/709,200	Applicant(s) WU ET AL.	
	Examiner Robert B. Harrell	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 13-15, and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-7, 11, 13-15 and 17-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Restriction</u> . |

Art Unit: 2142

1. Claims 1-7, 11, 13-15, and 17-20 remain present for consideration.
2. Since *a* patent may only be granted on *an* invention (each in the singular), restriction to one of the following inventions is required under 35 U.S.C. 121 (see 37 CFR 1.141):

Group I. Claims 1-7 and 11, drawn to a method for increasing network transmission efficiency by increasing a data updating rate of a memory for increasing efficiency of a network interface circuit transmitting data to a network, the network interface circuit including a memory and a buffer for storing at least one packet to be transmitted to the network

Classified in Class 711, subclass 159.

Group II. Claims 13-15 and 17-20, drawn to a network interface circuit for controlling data access of a network by use of a checking circuit for generating an interrupt request signal

Classified in Class 370, subclass 463.

3. Inventions I and II are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group I has separate utility such as in a method for increasing network transmission efficiency by increasing a data updating rate of a memory for increasing efficiency of a network interface circuit transmitting data to a network, the network interface circuit including a memory and a buffer for storing at least one packet to be transmitted to the network not used in a network interface circuit for controlling data access of a network by use of a checking circuit for generating an interrupt request signal as claimed in Group II.
4. Inventions II and I are related as subcombinations disclosed as useable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately useable. In this instant case, invention of Group II has separate utility such as in a network interface circuit for controlling data access of a network by use of a checking circuit for generating an interrupt request signal not used in a method for increasing network transmission efficiency by increasing a data updating rate of a memory for increasing efficiency of a network interface circuit transmitting data to a network, the network interface circuit including a memory and a buffer for storing at least one packet to be transmitted to the network as claimed in Group I.
5. An undue burden would be placed upon examiner since the search each Group would be in class and subclass not required for the other Group.
6. Because these inventions are independently distinct from each other for the reasons given above and because they have acquired a separate status in the art as shown by their different

Art Unit: 2142

classification and their recognized divergent subject matter and the search for each Group is not required for the other Group, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

8. The applicant is also advised that the response must be submitted to the Office *within ONE [1] Month* or 30 days, whichever is longest.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (571) 273-8300.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

/Robert B. Harrell/
ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142